

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DORIS MUNIZ & ANGEL MUNIZ,      )  
    )  
Plaintiffs,                          )  
    )  
v.                                     ) Civil Action File No.  
    ) \_\_\_\_\_  
TARGET CORPORATION, and            )  
JOHN DOE, whose true name is    )  
currently unknown to Plaintiffs, )  
    )  
Defendants.                        )

NOTICE OF REMOVAL

COMES NOW Target Corporation (“Target” or “defendant”), the named defendant in the above-referenced matter, and files this Notice of Removal, respectfully showing the Court as follows:

1.

On March 31, 2022, plaintiffs Doris Muniz and Angel Muniz filed suit against Target and a John Doe in the State Court of Gwinnett County, Georgia. Target was served with process on April 4, 2022. A copy of the complaint and “all process, pleadings, and orders served upon” Target in the state court action are attached hereto as Exhibit “A.”

2.

In this civil action, plaintiffs seek to recover for personal injuries arising from a March 31, 2020 accident that occurred at the Target store located in Conyers, Georgia. (Complaint, ¶¶ 8-12).

3.

The Complaint alleges that plaintiff Doris Muniz was shopping at Target when she “was slammed into by a Target employee and/or agent (Defendant JOHN DOE) negligently and unsafely utilizing a cart/pallet/product transportation device.” (Complaint, ¶ 11). Plaintiffs assert that Doris Muniz “suffered serious and significant injuries and damages, including past and future medical expenses, past and future mental and physical pain and suffering, and disability.” (Complaint, ¶ 21).

4.

Additionally, plaintiff Angel Muniz “seeks damages for the loss of his spouse's services, companionship, and society, and for loss of consortium, all of which were proximately caused by Defendants' negligence as described herein, in an amount to be proven at trial.” (Complaint, ¶ 24).

5.

Prior to filing their lawsuit the plaintiffs provided an itemization of Doris Muniz’s claimed medical expenses which total over \$130,000. She allegedly

suffered a serious neck injury on March 31, 2020 that was painful and necessitated significant medical treatment.

6.

Based on the foregoing, Target has determined that there is a good faith basis to believe that the amount in controversy exceeds \$75,000.00 and that removal to this Court under 28 U.S.C. §1332 is appropriate.

7.

Based on information available to Target, Doris Muniz and Angel Muniz are both Georgia citizens for purposes of 28 U.S.C. § 1332. The plaintiffs have been domiciled in Newton County, Georgia for at least the last ten (10) years.

8.

Target Corporation is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota. (Certificate of Incorporation, State of Minnesota, attached hereto as Exhibit "B").

7.

This Court has diversity jurisdiction over this suit under 28 U.S.C. § 1332 because (1) the plaintiffs and Target, are citizens of different states; and (2) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

9.

The fact that the Complaint includes a John Doe defendant does nothing to defeat diversity jurisdiction in this civil action. See, 28 U.S.C. § 1441(b)(1) (“In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.”).

10.

Attached as Exhibit “C” is a copy of the Notice of Removal filed by Target in the State Court of Gwinnett County.

11.

By service of a copy of this Notice of Removal as evidenced by the certificate of service attached, Target hereby gives notice of such removal to plaintiff.

WHEREFORE, Target prays that the State Court of Gwinnett County, Georgia, proceed no further and that this suit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 3rd day of May, 2022.

DERMER APPEL RUDER, LLC

*/s/ Stephen Dermer*

Stephen Dermer

Georgia Bar No. 219267

Matthew A. Erickson, Sr.

Georgia Bar No. 304088

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2022, I served all counsel of record to this action with a copy of the foregoing NOTICE OF REMOVAL by e-filing the document into the CM/ECF filing system and by depositing a true and correct copy thereof in the United States mail, postage prepaid, properly addressed upon:

William A. Buchanan  
*Bill Buchanan, LLC*  
P.O. Box 5581  
Columbus, GA 30326  
Email: [bill@billbuchananlaw.com](mailto:bill@billbuchananlaw.com)

This 3rd day of May, 2022.

DERMER APPEL RUDER, LLC

*/s/ Stephen Dermer*  
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